

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

RSR-01 /247 W

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R 161101Z AUG 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 1217

UNCLAS GENEVA 4394

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: WG3, SCIII SCIENTIFIC RESEARCH, 9 AUG 73

1. INFORMAL DRAFTING GROUP OF WG3, SCIII ON SCIENTIFIC RESEARCH CONSIDERED ITEM 1.3 (FORMER TITLE: CONSENT, PARTICIPATION AND OBLIGATIONS OF COASTAL STATES) AT EVENING SESSION 10 AUG. AT CHAIRMAN'S REQUEST DISCUSSIONS WERE BASICALLY LIMITED TO FORMU-

LATION OF ARTICLES ON CONSENT.

2. US (AMB MCKERNAN) NOTED ALL DRAFTS RECOGNIZED REQUIREMENT FOR CONSENT IN TERRITORIAL SEA BUT HONEST DIFFERENCES EXIST REGARDING AREA BEYOND TERRITORIAL SEA AND ON HIGH SEAS. MCKERNAN RECOMMENDED SELECTION OF ALTERNATIVES WHICH BEST REFLECT THESE DIFFERENCES.

3. DRAFTING GROUP THEN PROCEEDED TO SELECT ALTERNATIVES BUT LEFT UNCLEAR, OVER US PROTESTS, WHETHER ARTICLES WERE INTENDED TO COVER ONLY TERRITORIAL SEA OR IF THEIR PROVISIONS EXTENDED
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TO AREAS BEYOND. WORK SCHEDULED TO CONTINUE 14 AUG.

4. TEXTS SELECTED THUS FAR FOR SR IN TERRITORIAL SEA ARE:

- (A) US ART 6
- (B) SOV ART 12
- (C) PRC ARTICLE (AMENDED BY GROUP READING:

"TO CONDUCT SR IN AREAS SUBJECT TO SOVEREIGNTY AND NATIONAL JURISDICTION OF A COASTAL STATE (CS), CONSENT OF CS SHALL BE SOUGHT AND OBTAINED AND RELEVANT LAWS AND REGULATIONS OF CS SHALL BE OBSERVED."

- (D) KENYA. PARA 1 OF DRAFT ARTICLE.
- (E) MALTA ART 3 IN L.28.

5. TEXTS FOR AREAS OF COASTAL STATE JURISDICTION BEYOND TERRITORIAL SEA:

- (A) US ART 7
- (B) SOV ART 12 (PROVISIONS APPLYING TO CONTINENTAL SHELF)
- (C) (D) AND (E) AS ABOVE.

6. FOLLOWING FOOTNOTES WERE SUBMITTED.

(A) JAPAN: "WITH REGARD TO SR ON CONTINENTAL SHELF VIEW WAS EXPRESSED THAT IT WAS PREFERABLE TO ADOPT PRESENT PROVISIONS OF PARA 8, ARTICLE 5 OF CONTINENTAL SHELF CONVENTION".

(B) SOVS TO ALL ALTERNATIVES CONTAINING PHRASE "AREAS SUBJECT TO NATIONAL JURISDICTION": "VIEW WAS EXPRESSED RESERVING ACCEPTANCE OF TERM AREAS SUBJECT TO NATIONAL JURISDICTION SINCE THIS NOTION IS EXTREMELY VAGUE AND INTERNATIONAL LAW OPERATIVE AT PRESENT CONTAINS NO SUCH NOTION."

(C) MEXICO: "VIEW WAS EXPRESSED THAT THIS TEXT SHOULD BE COMPLEMENTED WITH FOLLOWING SENTENCE, 'CONSENT SHALL NOT BE DENIED IN AREAS BEYOND TERRITORIAL SEA WHEN STATE OR ORGANIZATION CONDUCTING THE RESEARCH FULFILLS THE PREVIOUSLY ESTABLISHED REQUIREMENTS OF THE COASTAL STATE.'"BASSIN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973GENEVA04394
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730834/aaaaazco.tel
Line Count: 95
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: kellerpr
Review Comment: n/a
Review Content Flags:
Review Date: 29 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29-Aug-2001 by reddocgw>; APPROVED <01-Feb-2002 by kellerpr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: WG3, SCIII SCIENTIFIC RESEARCH, 9 AUG 73
TAGS: PBOR, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005